

United States District Court
Northern District of New York

JUDGMENT IN A CIVIL CASE

BRIAN GROFF,

Plaintiff,

V.

CASE NUMBER: 7:05-CV-54 (NAM/RFT)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

[] Jury Verdict.

This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

[X] Decision by Court.

This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Report-Recommendation of Magistrate Judge Randolph F. Treece dated August 18, 2008 is adopted in its entirety; and the Commissioner's decision denying SSI benefits is VACATED and REMANDED for further proceedings pursuant to sentence four of 42 U.S.C. §405(g).

All of the above pursuant to the order of the Honorable Judge Norman A. Mordue, dated the 3rd day of September, 2008.

DATE: September 3, 2008

**LAWRENCE K. BAERMAN
CLERK OF COURT**

s/

**By: Lori M. Welch
Deputy Clerk**